GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Andhra Pradesh Forest Department – Allegations of corruption against Sri G. Hari Seshu Ramana Rao, Senior Assistant, Office of the Forest Range Officer, Visakhapatnam Range, Visakhapatnam District - Trapped on 14.05.2003 – Prosecution sanctioned - Convicted on criminal charge in C.C.No.18/2004, dated 15.05.2009 of Special Judge for ACB cases, Visakhapatnam – Dismissed from service – Criminal Appeal No.730 of 2009 filed before the Hon'ble High Court of A.P., against the conviction order dated 15.05.2009 of Hon'ble Court of Special Judge for ACB cases, Visakhapatnam – Judgement pronounced – Acquitted - Further action dropped - Orders – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (SEC.IV) DEPARTMENT

G.O.RT.No. 90 **Dated: 05-11-2024**

Read the following:

1) From the Director General, Anti-Corruption Bureau, A.P., Hyderabad, Letter Rc.No.120/RCT-WVP/2003-S.11, dated 20.05.2003 and even no. dated 30.05.2003.
2) Proceedings Ref.No.4662/03/M8 of Conservator of Forests, Visakhapatnam Circle, dated 16.05.2003.
3) From the Director General, Anti-Corruption Bureau, A.P., Hyderabad, Letter Rc.No.120/RCT-WVP/2003-S.11, dated 19.08.2003.
4) G.O.Ms.No.51, E.F.S. & T. (For.IV) Department, dated 16.04.2004.
5) Proceedings Rc.No.4662/03/M8 of Conservator of Forests, Visakhapatnam Circle, dated 11.03.2006.
6) From the Hon'ble High Court of Special Judge for ACB Cases, Visakhapatnam, Judgement dated 15.05.2009 in C.C.No.18/2004.
7) Proceedings Rc.No.4662/03/M8 of Chief Conservator of Forests, Visakhapatnam Circle, dated 29.05.2009.
8) From the Director General, Anti-Corruption Bureau, A.P., Hyderabad, Letter Rc.No.120/RCT-WVP/2003-S.11, dated 01.08.2009.
9) From the Hon'ble High Court of A.P., Judgement dated 28.11.2023 in Criminal Appeal No.730 of 2009 filed by Sri G.H.S.Ramana Rao, Senior Assistant.
10) From the Director General, Anti-Corruption Bureau, A.P., Vijayawada, Letter RC.No.120/RCT-WVP/2003-S.11, dated 12.07.2024.

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ORDER:

In the preliminary report 1st read above, the Director General, Anti-Corruption Bureau, A.P., Hyderabad has reported that, a trap case was registered by the ACB authorities vide Cr.No.4/RC-WLR/2003 under Sections 7, 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 against Accused Officer-1 Sri G. Rama Mohan Rao, Forest Range Officer, Visakhapatnam; Accused Officer-2 Sri K.Sridhar, Forest Section Officer, Pendurthi Section, Visakhapatnam Range; and Accused Officer-3 Sri G.H.S. Ramana Rao, Senior Assistant, O/o the Forest Range Officer, Visakhapatnam Range, Visakhapatnam who were successfully trapped when they demanded and accepted the bribe amount of Rs.9,000/- i.e., Rs.5,000/- by Accused Officer-1 and Rs.4,000/- by Accused Officer-3 including the share of Rs.2,000/- of Accused Officer-2 Sri K. Sridhar, Forest Section Officer from the complainant Sri Surisetty Ramana, Timber Merchant of Chintala Agraharam, Visakhapatnam for doing official favour.

2. In the reference 2nd read above, the Conservator of Forests, Visakhapatnam Circle has placed the Accused Officer-3 Sri G.H.S. Ramana Rao, Senior Assistant, O/o the Forest Range Officer, Visakhapatnam Range, Visakhapatnam under suspension from the date of communication of the order and he shall continue under suspension until the conclusion of the disciplinary proceedings/termination of all proceedings relating to the criminal charge.

P.T.O.

3. In the final report 3rd read above, the Director General, Anti-Corruption Bureau, A.P., Hyderabad among other things, has recommended for the prosecution of Accused Officer-3 Sri G.H.S. Ramana Rao, Senior Assistant, O/o the Forest Range Officer, Visakhapatnam Range, Visakhapatnam in a court of law for the offences punishable under Sections 7 & 13(2) read with 13(1)(d) of Prevention of Corruption, Act, 1988 read with Section 34 of IPC, 1860.

4. In the G.O. 4th read above, orders have been issued according sanction for prosecution of Accused Officer-3 Sri G.H.S. Ramana Rao, Senior Assistant, O/o the Forest Range Officer, Visakhapatnam Range, Visakhapatnam in a court of law for the offences punishable under Sections 7 & 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 read with Section 34 of IPC, 1860.

5. In the reference 5th read above, the Conservator of Forests, Visakhapatnam Circle has reinstated the Accused Officer-3 Sri G.H.S. Ramana Rao, Senior Assistant (U/s), O/o the Forest Range Officer, Visakhapatnam Range, Visakhapatnam into service without prejudice to further proceedings in the court of IIIrd Additional District and the Session Judge-cum-Special Judge for ACB cases, Visakhapatnam.

6. In the reference 6th read above, the Hon'ble Court of Special judge for ACB Cases, Visakhapatnam in its Judgement dated 15.05.2009 in C.C.No.18/2004 held that:-

> *"Accused Officer-3 is found not guilty of the offence punishable under Section 7 of Prevention of Corruption Act read with Section 34 of IPC and accordingly he is acquitted of the same under Section 248(1) of Cr.P.C.*
>
> *But, Accused Officer-3 is found guilty of the offence punishable under Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act and accordingly he is convicted under Section 248(2) of Cr.P.C.*
>
> *Considering the oral submission of convict, lenient view is taken and imposed minimum sentence of one year rigorous imprisonment and payment of Rs.1,000/- (Rupees One thousand only) as fine, in default of payment of fine, the convict shall further suffer two months simple imprisonment for the guilt of offence under Section 13(2) read with 13(1)(d) of Prevention of Corruption Act".*

7. In the reference 7th read above, the Chief Conservator of Forests, Visakhapatnam has dismissed the Accused Officer-3 Sri G.H.S. Ramana Rao, Senior Assistant, O/o the Forest Range Officer, Visakhapatnam Range, Visakhapatnam from the service, as he was convicted by the Orders of Hon'ble High Court of Special Judge for ACB Cases, Visakhapatnam dated 15.05.2009 in C.C.No.18/2004.

8. In his letter 8th read above, the Director General, Anti-Corruption Bureau, A.P., Hyderabad has informed that Accused Officer-3 Sri G.H.S. Ramana Rao, Senior Assistant, O/o the Forest Range Officer, Visakhapatnam Range, Visakhapatnam has filed Criminal Appeal No.730/2009 in the Hon'ble High Court of A.P., against the conviction order, dated 15.05.2009 of the Special Judge for ACB cases, Visakhapatnam in C.C.No.18/2004 and Hon'ble High Court in its orders, dated 01.07.2009 while admitting the appeal, has suspended the sentence only imposed by the trial court pending disposal of the Criminal Appeal.

9. In the reference 9th read above, the Hon'ble High Court of A.P., in its Orders, dated 28.11.2023 in Criminal Appeal No.730 of 2009 filed by Sri G.H.S.Ramana Rao, Senior Assistant held that:-

> *"19. In view of the principles laid down in the aforesaid Judgements, this Court is of the view that the prosecution failed to establish the guilt of the*

(Contd.P-3)

appellant / A.O.3 of the offence under Section 13 (1)(d) of the Act, 1988 punishable under Section 13(2) of the Act, 1988 beyond reasonable doubt. The learned Special Judge has not considered the evidence on record in proper perspective and erred in convicting the appellant/A.O.3 of the said charge. Hence, the conviction and sentence recorded by the learned Special Judge are liable to be set aside.

20. Accordingly, this Criminal Appeal is allowed. The conviction and sentence passed in the judgement dated 15.05.2009 in C.C.No.18 of 2004 on the file of the Special Judge for ACB Cases, Visakhapatnam against the appellant/A.O.3 are set aside. The appellant/A.O.3 is found not guilty of the charge under Section 13(1)(d) of the Prevention of Corruption Act, 1988 punishable under Section 13(2) of the Act, 1988 and is accordingly acquitted of the said charge and is set at liberty. Fine amount, if any, paid by him shall be refunded to him.

As a sequel, interlocutory applications pending, if any, in this Criminal Appeal shall stand closed".

10. In his letter 10th read above, the Director General, Anti-Corruption Bureau, A.P., Vijayawada has informed that the Hon'ble High Court of A.P., Amaravati has pronounced Judgement on 28.11.2023 that the Criminal Appeal No.730/2009 filed by the Accused Ofcer-3 Sri G.H.S. Ramana Rao, Senior Assistant, O/o the Forest Range Officer, Visakhapatnam Range, Visakhapatnam is allowed by setting aside the conviction orders dated 15.05.2009 of the trial court in C.C.No.18/2004. He has further stated that, the Bureau is of the opinion that there are no grounds to prefer to file Special Leave Petition in the Hon'ble Supreme Court of India, New Delhi against the Hon'ble High Court Judgment of acquittal of Accused Ofcer-3 Sri G. Hari Seshu Ramana Rao, Senior Assistant, Visakhapatnam Range, Visakhapatnam; and requested to issue final orders in the case, at an early date.

11. After careful examination of the matter, Government have decided and hereby order to drop further action in the Anti-Corruption Bureau trap case against Accused Officer-3 Sri G. Hari Seshu Ramana Rao, Senior Assistant, formerly Office of the Forest Range officer, Visakhapatnam Range, Visakhapatnam District, as he was found not guilty and acquitted of the charge under Section 13(1)(d) read with 13(2) of Prevention of Corruption Act, 1988 vide judgement, dated 28.11.2023 of Hon'ble High Court of A.P., in Criminal Appeal No.730 of 2009 filed by the individual.

12. The Principal Chief Conservator of Forests & Head of Forest Force, A.P. Mangalagiri shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. ANANTHA RAMU
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Individual through the Principal Chief Conservator of Forests &
Head of Forest Force, A.P. Mangalagiri.
The Principal Chief Conservator of Forests & Head of Forest Force,
A.P. Mangalagiri.

Copy to:

The Director General, Anti-Corruption Bureau, A.P., Vijayawada.
The Secretary to A.P. Vigilance Commission, A.P.Secretariat, Velagapudi.
SF/SC (Computer No.2544010)

//FORWARDED::BY ORDER //

SECTION OFFICER